

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

Conference Committee

*This Unproved and Unofficial Version Includes All Amendments
Adopted in the First House, Second House, and the Conference Committee*

LLS NO. 18-0382.01 Christy Chase x2008

HOUSE BILL 18-1256

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House Committees

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A BILL FOR AN ACT

101 **CONCERNING CONTINUATION OF THE REGULATION OF CIVIL RIGHTS**
102 **ISSUES, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE**
103 **RECOMMENDATION IN THE DEPARTMENT OF REGULATORY**
104 **AGENCIES' 2017 SUNSET REVIEW AND REPORT ON THE**
105 **COLORADO CIVIL RIGHTS DIVISION AND THE COLORADO CIVIL**
106 **RIGHTS COMMISSION TO CONTINUE THE DIVISION AND**
107 **COMMISSION AND MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Sunset Process - House Judiciary Committee. The bill implements the recommendation of the department of regulatory agencies in its sunset review of the Colorado civil rights division and the Colorado civil rights commission to continue the commission and the division and their respective functions for 9 years, through September 1, 2027.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-304, **amend**
3 (2) as follows:

4 **24-34-304. Division and commission subject to termination -**
5 **repeal of part.** (2) This part 3 is repealed, effective July 1, 2018. Prior
6 to such SEPTEMBER 1, 2027. BEFORE ITS repeal, the functions of the
7 division and commission shall be reviewed as provided for in ARE
8 SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104.

9 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
10 (14)(a)(VIII); and **add** (28)(a)(II) as follows:

11 **24-34-104. General assembly review of regulatory agencies**
12 **and functions for repeal, continuation, or reestablishment - legislative**
13 **declaration - repeal.** (14) (a) The following agencies, functions, or both,
14 are scheduled for repeal on July 1, 2018:

15 (VIII) ~~The Colorado civil rights division, including the Colorado~~
16 ~~civil rights commission, created in part 3 of this article.~~

17 (28) (a) The following agencies, functions, or both, are scheduled
18 for repeal on September 1, 2027:

19 (II) THE COLORADO CIVIL RIGHTS DIVISION, INCLUDING THE
20 COLORADO CIVIL RIGHTS COMMISSION, CREATED IN PART 3 OF THIS
21 ARTICLE 34.

22

1 **SECTION 3.** In Colorado Revised Statutes, **add** 2-3-125 as
2 follows:

3 **2-3-125. Periodic performance audits of Colorado civil rights**
4 **division and commission - reports.** BY DECEMBER 15, 2019, AND BY
5 DECEMBER 15, 2024, THE STATE AUDITOR SHALL COMPLETE OR CAUSE TO
6 BE CONDUCTED AND COMPLETED A PERFORMANCE AUDIT OF THE
7 COLORADO CIVIL RIGHTS DIVISION CREATED IN SECTION 24-34-302 AND
8 THE COLORADO CIVIL RIGHTS COMMISSION CREATED IN SECTION
9 24-34-303. THE STATE AUDITOR SHALL PREPARE A REPORT AND
10 RECOMMENDATIONS ON EACH AUDIT CONDUCTED AND SHALL PRESENT THE
11 REPORT AND RECOMMENDATIONS TO THE COMMITTEE.

12 **SECTION 4.** In Colorado Revised Statutes, 24-34-303, **amend**
13 (1) and (2) as follows:

14 **24-34-303. Civil rights commission - membership - repeal.**
15 (1) (a) There is hereby created, within the division, the Colorado civil
16 rights commission.

17 (b) (I) The commission ~~shall consist~~ CONSISTS of seven members
18 ~~who shall be~~ appointed by the governor, with the consent of the senate AS
19 SPECIFIED IN SUBSECTION (1)(b)(IV) OF THIS SECTION, for terms of four
20 years. The governor shall make appointments in such a manner that there
21 are at all times:

22 (A) Two members of the commission representing the business
23 community, at least one of whom ~~shall be a representative of~~ REPRESENTS
24 small business; EXCEPT THAT, UPON THE EXPIRATION OF THE TERMS OF
25 THE MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (1)(b)(I)(A)
26 BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (1)(b)(I)(A), AS
27 AMENDED, OR UPON A VACANCY IN EITHER POSITION, WHICHEVER OCCURS

1 FIRST, ONE MEMBER APPOINTED PURSUANT TO THIS SUBSECTION
2 (1)(b)(I)(A) MUST BE A MAJORITY OWNER OF A SMALL BUSINESS THAT
3 EMPLOYS AT LEAST FIVE BUT LESS THAN FIFTY EMPLOYEES AND THE OTHER
4 MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1)(b)(I)(A) MUST BE
5 A MAJORITY OWNER OF A BUSINESS THAT EMPLOYS MORE THAN FIFTY
6 EMPLOYEES, AND THEREAFTER THE COMPOSITION OF THE COMMISSION
7 MUST CONTINUE TO REFLECT THIS CHANGE;

8 (B) Two members of the commission representing state or local
9 government entities; EXCEPT THAT, UPON THE EXPIRATION OF THE TERMS
10 OF OFFICE OF THE MEMBERS OF THE COMMISSION APPOINTED PURSUANT TO
11 THIS SUBSECTION (1)(b)(I)(B) BEFORE THE EFFECTIVE DATE OF THIS
12 SUBSECTION (1)(b)(I)(B), AS AMENDED, OR UPON A VACANCY IN EITHER
13 POSITION, WHICHEVER OCCURS FIRST, THE GOVERNOR SHALL APPOINT TO
14 THOSE POSITIONS ONE MEMBER REPRESENTING A STATEWIDE CHAMBER OF
15 COMMERCE OR OTHER STATEWIDE ORGANIZATION REPRESENTING
16 BUSINESS AND INDUSTRY AND ONE MEMBER FROM OR REPRESENTING
17 EMPLOYEE ASSOCIATIONS THAT REPRESENT WORKERS IN COLORADO, AND
18 THEREAFTER THE COMPOSITION OF THE COMMISSION MUST CONTINUE TO
19 REFLECT THIS CHANGE; and

20 (C) Three members of the commission from the community at
21 large; EXCEPT THAT, UPON THE EXPIRATION OF THE TERM OF OFFICE OF
22 TWO MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (1)(b)(I)(C)
23 BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (1)(b)(I)(C), AS
24 AMENDED, OR UPON A VACANCY IN A POSITION UNDER THIS SUBSECTION
25 (1)(b)(I)(C), WHICHEVER OCCURS FIRST, THE GOVERNOR SHALL APPOINT
26 TWO MEMBERS FROM OR REPRESENTING EMPLOYEE ASSOCIATIONS THAT
27 REPRESENT WORKERS IN COLORADO, AND THEREAFTER THE COMPOSITION

1 OF THE COMMISSION MUST CONTINUE TO REFLECT THIS CHANGE.

2 (II) IN ADDITION TO THE QUALIFICATIONS SPECIFIED IN SUBSECTION
3 (1)(b)(I) OF THIS SECTION, ~~the membership~~ MEMBERS of the commission
4 ~~shall~~ MUST at all times ~~be comprised of~~ INCLUDE:

5 (A) At least four members who are members of groups of people
6 who have been or who might be discriminated against because of
7 disability, race, creed, color, sex, sexual orientation, national origin,
8 ancestry, marital status, religion, or age; AND

9 (B) NO MORE THAN SIX MEMBERS AFFILIATED WITH A MAJOR
10 POLITICAL PARTY AND NO MORE THAN THREE MEMBERS AFFILIATED WITH
11 THE SAME POLITICAL PARTY. A MEMBER MUST HAVE BEEN REGISTERED
12 WITH THE SAME POLITICAL PARTY OR REGISTERED AS UNAFFILIATED FOR
13 AT LEAST TWO YEARS IMMEDIATELY PRECEDING THE MEMBER'S
14 APPOINTMENT TO THE COMMISSION.

15 (III) THE GOVERNOR SHALL MAKE appointments ~~shall be made to~~
16 provide geographical area representation insofar as may be practicable.
17 ~~and no more than four members shall belong to the same political party.~~

18 (IV) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF, IN
19 ACCORDANCE WITH SECTION 6 OF ARTICLE IV OF THE STATE
20 CONSTITUTION, THE GOVERNOR NOMINATES AN INDIVIDUAL FOR
21 APPOINTMENT TO THE COMMISSION AND THE SENATE REJECTS THE
22 NOMINATION, THE REJECTED INDIVIDUAL IS DEEMED INELIGIBLE TO HOLD
23 THE OFFICE FOR TWO YEARS. DURING THAT TWO-YEAR PERIOD, THE
24 GOVERNOR SHALL NOT NOMINATE THE REJECTED INDIVIDUAL AND, IF THE
25 SENATE IS NOT IN SESSION, SHALL NOT APPOINT THE REJECTED INDIVIDUAL
26 TO TEMPORARILY DISCHARGE THE DUTIES OF THE COMMISSION. FOR
27 PURPOSES OF THIS SUBSECTION (1)(b)(IV), REJECTION BY THE SENATE OF

1 THE NOMINATION OF AN INDIVIDUAL FOR APPOINTMENT TO THE
2 COMMISSION DOES NOT PRECLUDE THE GOVERNOR FROM NOMINATING THE
3 REJECTED INDIVIDUAL FOR ANOTHER OPENING ON THE COMMISSION THAT
4 OCCURS AFTER AN INDIVIDUAL OTHER THAN THE REJECTED INDIVIDUAL
5 HAS FILLED THE IMMEDIATE OPENING ON THE COMMISSION.

6 (2) THE GOVERNOR SHALL FILL vacancies on the commission ~~shall~~
7 ~~be filled by the governor~~ by appointment, with the consent of the senate
8 IN ACCORDANCE WITH SUBSECTION (1)(b)(IV) OF THIS SECTION, and the
9 term of a commissioner ~~so appointed shall be~~ TO FILL A VACANCY IS for
10 the unexpired part of the term for which the commissioner is appointed.

11 **SECTION 5. Appropriation.** (1) For the 2018-19 state fiscal
12 year, \$10,000 is appropriated to the department of regulatory agencies.
13 This appropriation is from the general fund. To implement this act, the
14 department may use this appropriation for the purchase of information
15 technology services.

16 (2) For the 2018-19 state fiscal year, \$10,000 is appropriated to
17 the office of the governor for use by the office of information technology.
18 This appropriation is from reappropriated funds received from the
19 department of regulatory agencies under subsection (1) of this section. To
20 implement this act, the office may use this appropriation to provide
21 information technology services for the department of regulatory
22 agencies.

23 **SECTION 6. Effective date.** This act takes effect July 1, 2018.

24 **SECTION 7. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.